

## **IC 36-1-10.5**

### **Chapter 10.5. Purchase of Land or Structures**

#### **IC 36-1-10.5-1**

##### **Application of chapter**

Sec. 1. (a) Except as provided in subsection (b), this chapter applies to:

- (1) political subdivisions; and
- (2) their agencies.

(b) This chapter does not apply to the purchase of:

- (1) real property having a total price (including land and structures, if any) of twenty-five thousand dollars (\$25,000) or less;
- (2) airport land or structures under IC 8-22;
- (3) library land or structures under IC 20-14;
- (4) school land or structures under IC 21-5;
- (5) hospital land or structures by hospitals organized or operated under IC 16-22-1 through IC 16-22-5 or IC 16-23-1;
- (6) land or structures acquired for a road or street right-of-way for a federal-aid project funded in any part under 23 U.S.C. 101 et seq.;
- (7) land or structures by redevelopment commissions under IC 36-7-14 or IC 36-7-15.1, or redevelopment authorities under IC 36-7-14.5; or
- (8) land by a municipally owned water utility, if:
  - (A) the municipally owned water utility has performed or contracted with another party to perform sampling and drilling tests of the land; and
  - (B) the sampling and drilling tests indicate the land has water resources.

*As added by P.L.336-1987, SEC.1. Amended by P.L.188-1988, SEC.4; P.L.114-1989, SEC.2; P.L.2-1993, SEC.197; P.L.221-1997, SEC.1.*

#### **IC 36-1-10.5-2**

##### **"Parking facility" defined**

Sec. 2. As used in this chapter, "parking facility" refers to a parking facility as defined in IC 36-9-1.

*As added by P.L.336-1987, SEC.1.*

#### **IC 36-1-10.5-3**

##### **"Purchasing agent" defined**

Sec. 3. As used in this chapter, "purchasing agent" means the board or officer of a political subdivision or agency with the power to purchase land or structures.

*As added by P.L.336-1987, SEC.1.*

#### **IC 36-1-10.5-4**

##### **"Structure" defined**

Sec. 4. As used in this chapter, "structure" means:

(1) a building used in connection with the operation of a political subdivision; or

(2) a parking facility.

The term includes the site, equipment, and appurtenances to the building or parking facility.

*As added by P.L.336-1987, SEC.1.*

#### **IC 36-1-10.5-5**

##### **Purchase of land or structure; required procedures**

Sec. 5. A purchasing agent shall purchase land or a structure only after compliance with the following procedures:

(1) The fiscal body of the political subdivision shall pass a resolution to the effect that it is interested in making a purchase of specified land or a structure.

(2) The purchasing agent shall appoint two (2) appraisers to appraise the fair market value of the land or structure. The appraisers must be professionally engaged in making appraisals or be trained as an appraiser and licensed as a broker under IC 25-34.1.

(3) The appraisers shall return their separate appraisals to the purchasing agent within thirty (30) days after the date of their appointment. The purchasing agent shall keep the appraisals on file in the purchasing agent's office for five (5) years after they are given to the purchasing agent.

(4) The purchasing agent shall give a copy of both appraisals to the fiscal body.

*As added by P.L.336-1987, SEC.1.*

#### **IC 36-1-10.5-6**

##### **Limitation on purchase price**

Sec. 6. A purchasing agent may not purchase any land or structure for a price greater than the average of the two (2) appraisals received under section 5 of this chapter.

*As added by P.L.336-1987, SEC.1.*